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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,422	03/31/2004	Ratinder Paul Ahuja	06897.P006	8851
97298	7590	10/01/2010	EXAMINER	
Patent Capital Group 6119 McCommas Blvd Dallas, TX 75214			SALOMON, PHENUEL S	
			ART UNIT	PAPER NUMBER
			2179	
			NOTIFICATION DATE	DELIVERY MODE
			10/01/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/816,422	<b>Applicant(s)</b> AHUJA ET AL.	
	<b>Examiner</b> PHENUEL S. SALOMON	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5,25,27,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,25,27,32 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/30/2010</u> .   | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2179

### DETAILED ACTION

1. This office action is in response to the amendment filed on 6/30/2010, in which claims 1 and 27 are amended and claims 1-5, 25 and 27-33 are pending for further examination.

### *Objections*

2. Claims 1 is objected to because of the of the following informalities: for example,; “...*initial search is generated it is scheduled to occur*...”. Examiner considers “it” to be associated with the initial search. Please use legal phraseology.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 25, 27-29 and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dugatkin (US 2005/0021715 A1) in view of Piersol (US 6,978,297 B1) and further in view of Yanagihara et al. (US 6,161,102).

Claim 1: Dugatkin discloses a method comprising:

presenting a graphical user interface GUI for a capture system (para. [0046]), wherein the GUI comprising one or more views including:

Art Unit: 2179

the capture system configured to intercept data from data streams, reconstruct the data, and store network transmitted objects according to a capture rule, that defines which objects are to be captured by the capture system (para. [0036]) [0051]), and wherein the capture rule is part of a default rule set (*system defined*) for the capture system configured to monitor network traffic (*a “capture group” is a group of data units which may be collected according to **system defined** and/or user-defined constraints*) (para. [0045], [0046]) and capture the at least one object (*the collectors may review, capture and otherwise obtain network traffic and network traffic data in capture groups*) (para. [0036]), and wherein the capture system is configured to store a document captured by the capture system according to the capture rule (*pertinent information from each collected data unit is obtained and saved as network traffic data based on the filters, as shown in block 616*) (para. [0076]) [filters represent what the system needs to capture and therefore are part of the capture system], which identifies an internet protocol (IP) address from which the document was sent and a second IP address associated with an intended destination of the document (*fig. 3 is a block diagram of successive capture groups showing how the depth and granularity of network traffic data captured, collected and analyzed by the collectors 210 and the filters 212 may be increased in successive capture groups by the feedback controller 222. With successive refinement, a first capture group 320 may include all of the various types of transport protocols, also referred to as layer 3 data units, of all **IP data units 310***) (para. [0048]) [referring to all IP data units implies that first, second and any subsequent IP addresses are captured and identified].

a capture rule view to enable parameters of the capture rule to be defined (*manager 250 may provide an interface to allow a user to create and /or modify filters 212 to be used by the collectors 210*) (para. [0046]).

Dugatkin does not explicitly disclose a search editor view to enable parameters of a search tags of objects captured by the capture system to be defined, wherein each tag is associated with at least one captured object and includes relevant information that describes the at least one object.

Art Unit: 2179

and wherein after an initial search is generated it is scheduled to occur on a periodic basis such that a report is automatically sent to a network address of an author of the initial search;

However Piersol discloses tags of objects captured by the capture system to be defined (*the metadata file contains special information about the document from the capturing device*) (col. 8, lines 50-56), wherein each tag is associated with at least one captured object and includes relevant information that describes the at least one object (*a unique identifier, such as a serial number, may be assigned to each document and stored in the document's metadata file*) (col. 9, lines 65-67 and col. 10, lines 1-5) [These documents constitute data being intercepted from the streams of network data and these data as objects will be reconstructed when reached their destination]. Piersol teaching of tag modify the capture system of Dugatkin. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Piersol feature in Dugatkin. One would have been motivated to do so in order to give the user convenience of a wide variety of criteria to perform customized search (col. 9, lines 45-48).

However Yanagihara discloses a search editor view to enable parameters of a search (col. 10, lines 44-50, figs. 3a, 4a).

after an initial search is generated it is scheduled to occur on a periodic basis such that a report is automatically sent to a network address of an author of the initial search (col. 9, lines 10-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dugatkin by improving user's efficiency in evaluating search results from a schedule search. One would have been motivated to do so in order to provide accurate information to users about the availability of information sources (col. 3, lines 20-22).

Claim 2: Dugatkin Piersol and Yanagihara disclose the method of claim 1 above, Yanagihara further discloses the parameters definable through the search editor view include both indexed (col. 16, lines 29-

Art Unit: 2179

41) and non-indexed search criteria (col. 5, lines 10-15) [if indexing is required implies that search can be performed for non-indexing material]. One would have been motivated to do so in order to improve user's efficiency in evaluating search results from a schedule search (col. 3, lines 14-16).

Claim 3: Dugatkin Piersol and Yanagihara disclose the method of claim 1 above, Yanagihara further discloses the definable search editor view parameters include one or more of a plurality of search criteria, the search criteria comprising: a content type (fig. 9, item 907), a protocol (*inherent in a network environment*) (fig. 1), a keyword (fig. 4a); and a word pattern (fig. 2, item 207). One would have been motivated to do so in order to provide accurate information to users about the availability of information sources (col. 3, lines 20-22).

Claim 25: Dugatkin Piersol and Yanagihara disclose the method of claim 1 above, Piersol further discloses wherein the search is of tags of stored objects (*data and metadata files are implemented according to XML specification, other programming language may equivalently be utilized such as HTML or SGML*) (col. 9, 15-20). One would have been motivated to do so in order to facilitate index search (col. 2, lines 5-7).

Claim 27: The claim incorporates substantially similar subject matter as claim 1, and is rejected along the same rationale.

Claim 28: The claim incorporates substantially similar subject matter as claim 2, and is rejected along the same rationale.

Art Unit: 2179

Claim 29: The claim incorporates substantially similar subject matter as claim 3, and is rejected along the same rationale.

Claim 32: The claim incorporates substantially similar subject matter as claim 25, and is rejected along the same rationale.

Claim 33: Dugatkin Piersol and Biebesheimer disclose the method of claim 1 above, Yanagihara further discloses wherein the relevant information that describes the at least one object includes one or more of a plurality of fields, the fields comprising:

a content type (fig. 9, item 907), and Piersol discloses an encoding (*item 470*), a capture rule (*items 440, 445*), an object signature (*item 410*), and a tag signature (*document capturer*). One would have been motivated to do so in order to give the user convenience of a wide variety of criteria to perform customized search (col.3, lines 3-5).

5. Claims 4 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dugatkin (US 2005/0021715 A1) in view of Piersol (US 6,978,297 B1) in view of Yanagihara et al. (US 6,161,102) and in further view of Khan (US 7,185,192 B1).

Claim 4: Dugatkin Piersol and Yanagihara disclose the method of claim 3 above, but do not explicitly disclose the search criteria include a source address, a destination address, a size range, and a temporal range.

However, Kahn discloses “object attributes data field that contains values for various attributes and/or configuration information related to the object such as resource’s IP address and other network attributes...” (col. 20, lines 19-44) [in a networking environment, source and destination addresses, size

Art Unit: 2179

and temporal range are criteria that one can consider inherent]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include that feature in Dugatkin. One would have been motivated to do so in order to give the user convenience of a wide variety of criteria to perform customized search (col. 3, lines 9-12).

Claim 30 incorporates substantially similar subject matter as claim 4, and is rejected along the same rationale.

6. Claims 5 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dugatkin (US 2005/0021715 A1) in view of Piersol (US 6,978,297 B1) in view of Yanagihara et al. (US 6,161,102) and in further view of Microsoft Outlook 2000 © 1995-2000, (hereinafter Outlook).

Claim 5: Dugatkin Piersol and Yanagihara disclose the method of claim 1 above, wherein the definable parameters of the search editor view specify one or more of a plurality of search criteria, but do not explicitly disclose the search criteria comprising: an email source, an email destination, an email carbon copy, an email subject, and message keywords. However, Outlook discloses “a search criteria with different attributes field...” (Screen Shot 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include that feature in Dugatkin. One would have been motivated to do so in order to give the user convenience of a wide variety of criteria to perform customized search.

Claim 31 incorporates substantially similar subject matter as claim 5, and is rejected along the same rationale.



### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1 filed on 02/16/2010 have been fully considered but are not persuasive.

As per claim 1 applicant argues:

No reference discloses a capture rule, which outlines source and destination address information.

In response, examiner respectfully disagrees and notes that Dugatkin discloses (*fig. 3 is a block diagram of successive capture groups showing how the depth and granularity of network traffic data captured, collected and analyzed by the collectors 210 and the filters 212 may be increased in successive capture groups by the feedback controller 222. With successive refinement, a first capture group 320 may include all of the various types of transport protocols, also referred to as layer 3 data units, of all **IP data units 310***) (para. [0048]) [referring to all IP data units implies that first, second and any subsequent IP addresses are captured and identified].

As per the other arguments, they are moot in view of new ground of rejection(s).

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the

Art Unit: 2179

event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Gasse et al (US 20060150249 A1)
  - b. Vora et al (US 5,623,652)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M. (Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phenuel S. Salomon/

Examiner, Art Unit 2179

/Steven B Theriault/

Primary Examiner, Art Unit 2179